

REMARKS

The present Application is a reissue application of U.S. Patent No. 5,930,729 (“the ‘729 Patent”). As noted by the Examiner, the ‘729 Patent is considered to be “not in force” and has been designated as “Expired due to non-payment of maintenance fees.” Applicant had filed a petition to revive the ‘729 Patent. In response to Applicant’s request for reconsideration of a decision on the petition, the United States Patent and Trademark Office (“USPTO”) has denied Applicant’s petition a second time. Consequently, the matter is considered closed in the USPTO and further recourse is available to Applicant through the Federal Courts.

Therefore, in order to maintain pendency of the Application and to preserve Applicant’s rights, Applicant submits this response to the outstanding Final Office Action together with a request for continued examination. Upon successful revival of the ‘729 Patent, Applicant stands ready to submit such supplementary responses, amendments and declarations as necessary to secure allowance of the Application.

Oath/Declaration

In a prior response, Applicant has filed a new Inventor’s Reissue Declaration executed by the Applicant and assent of assignee. The Final Office Action has not identified any specific defects in this latter filed declaration. Therefore, Applicant requests withdrawal of the rejections based on a defective reissue oath/declaration.

Amendment to the Specification

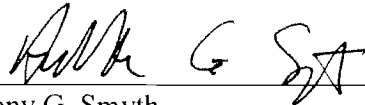
Applicant has previously amended the Specification to include continuity information as required in the Office Action. Applicant respectfully submits that no further amendment is required.

Amendment to the Claims

Applicant has amended the Claims as required in the Office Action to remove an errant and superfluous occurrence of a number (“6.”) in the listing of the claims. Claim 23 is amended to correct a typographical error.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

A handwritten signature in black ink, appearing to read 'Anthony G. Smyth', is written over a horizontal line.

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